



# Town Council Agenda Report

**SUBJECT:** Quasi Judicial Hearing: Variance

## **CONTACT PERSON/NUMBER**

Name: Mark Kutney, AICP  
Phone: (954) 797-1108

## **TITLE OF AGENDA ITEM:**

V 12-1-99 Culverhouse Investment Properties, Ltd., owner/Charles Putman, petitioner - General address 15400 SW 50th Street/Generally located on the south side of Griffin Road approximately 850 feet west of Volunteer Road.

## **REPORT IN BRIEF:**

The petitioner is proposing to construct a 5-story hotel within the Regency Park Master Plan which does not provide the minimum 116 required parking spaces. The petitioner's client, a major builder of Holiday Inn Express facilities, indicates that the 106 proposed parking spaces equivalent to a ratio of 1 parking space for each hotel room is sufficient to accommodate the use as proven for other similar projects. The petitioner has also provided a comparison study of parking requirements for nine other cities within the tri-county area, along with Broward County and Dade County requirements. The study indicates that five of the eleven municipalities require 1 parking space per hotel room, while all others, except for the Town of Davie, require less than 1 parking space per hotel room. Therefore, the petitioner believes the proposed 106 parking spaces is consistent with typical parking requirements for hotels within South Florida, and that the Town of Davie code requirements may be excessive in comparison.

Staff has verified the parking requirements as indicated within the petitioner's comparison study, and has previously indicated to the Planning and Zoning Board and Town Council that many of the Town's parking requirements may be excessive when compared to current parking standards throughout Broward County and South Florida. Accordingly, staff will reevaluate the Town's parking code and present a parking code amendment to the Town Council which may reduce the parking requirements for several uses, including hotels. However, when reviewing this request under the applicable code requirement and applying the specific code criteria for approval of a variance, staff does not find there are any special circumstances which apply to the land for which the variance is sought such that the strict application of the provisions of the code would deprive the applicant of the ability to use the property, and that the request can be considered to be self-created.

**PREVIOUS ACTIONS:** None.

## **CONCURRENCES:**

- Parcel B, Regency Park Master Plan was approved on October 6, 1999 (motion carried 5-0).
- On January 12, 2000, the Planning and Zoning Board recommended approval (motion carried 4-0, Mr. Stahl absent).

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Planning Report, Land Use Map, Subject Site Map, and Aerial.

Exhibit "A":

Original Report Date: 1/5/00

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner:**

**Name:** Culverhouse Investment Properties, Ltd.  
**Address:** 8588 Potter Park Drive Suite 500  
**City:** Sarasota, FL 34328  
**Phone:** (941) 922-0759

**Agent:**

**Name:** Charles Putman & Associates  
contact person - Charles Putman  
**Address:** 4722 NW Boca Raton Blvd Suite C-106  
**City:** Boca Raton, FL 33431  
**Phone:** (561) 994-6411

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**BACKGROUND INFORMATION**

**Application Request:** To reduce the required parking from 116 parking spaces to 106 parking spaces.

**Address/Location:** General address 15400 SW 50th Street/ Generally located on the south side of Griffin Road approximately 850 feet west of Volunteer Road within the Regency Park Master Plan.

**Future Land Plan Use Designation:** Commercial

**Zoning:** Planned Unit Development (P.U.D) (County)

**Existing Use:** Undeveloped

**Proposed Use:** Hotel (Holiday Inn Express).

**Parcel Size:** 2.153 acres (93,785 square feet)

**Surrounding Land Use:**

**North:** Vacant land, across Griffin Road and the I-75 northbound on-ramp.

**South:** Vacant land.

**East:** Existing Post Office

**West:** Vacant land.

**Surrounding Zoning:**

**North:** A-1, Agricultural District, across Griffin Road and the I-75 northbound on-ramp zoned T, Transportation.

**South:** P.U.D. (County)

**East:** P.U.D. (County)

**West:** P.U.D. (County)

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## **ZONING HISTORY**

**Related Zoning History:** Resolution No. R-86-34 provided for annexation of the subject property into the Town of Davie. At the time of annexation, the subject site was zoned P.U.D. (County).

**Previous Request on same property:** The subject property is located within the Regency Park Master Plan approved in October, 1999.

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## **DEVELOPMENT PLAN DETAILS**

**Development Details:** The Applicant's SUBMISSION indicates the following:

- |                                       |  |
|---------------------------------------|--|
| 1. Building Information:              | 5-Story Hotel (Holiday Inn Express)                |
| 2. Building Footprint Square Footage: | 11,542   |
| 3. Building Includes:                 | 1,200 sq.ft. great room & 600 sq.ft. meeting room. |
| 4. Access points                      | 1 proposed access point of internal spine road for |
| the overall master plan.              |  |
| 5. Number of parking spaces:          | 116 required/106 proposed                          |
- 

## **Applicable Codes and Ordinances**

Section 20-50.2(5), (Old Code), which requires 102 parking stalls

Section 20-50.2(11), (Old Code), which 14 parking spaces for places of public assembly (meeting rooms).

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## **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 1. This planning area constitutes the southwestern-most portion of the Town, encompassing all of the land south of Griffin Road and west of Southwest 148 Avenue. This planning area is bisected by I-75 which is accessed at Griffin Road and Sheridan Street. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low density (3 dwellings per acre) residential development. There are parcels designated for commercial use located in the northern and southern ends of the Ivanhoe development at the intersections of I-75 with Sheridan and Griffin Roads, and Orange Drive.

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## **Broward County Comprehensive Plan Considerations**

## Staff Analysis

The petitioner's client, a major builder of Holiday Inn Express facilities, indicates that a ratio of 1 parking space for each hotel room is sufficient to accommodate the use as proven for other similar projects. The petitioner has also provided a comparison study of parking requirements for nine other cities within the tri-county area, along with Broward County and Dade County requirements. The study indicates that five of the eleven municipalities require 1 parking space per hotel room, while all others, except for the Town of Davie, require less than 1 parking space per hotel room. Therefore, the petitioner believes the proposed 106 parking spaces is consistent with typical parking requirements for hotels within South Florida, and that the Town of Davie code requirements may be excessive in comparison.

Staff has verified the parking requirements as indicated within the petitioner's comparison study, and has previously indicated to the Planning and Zoning Board and Town Council that many of the Town's parking requirements may be excessive when compared to current parking standards throughout Broward County and South Florida. Accordingly, staff will reevaluate the Town's parking code and present a parking code amendment to the Town Council which may reduce the parking requirements for several uses, including hotels. However, when reviewing this request under the applicable code requirement and applying the specific code criteria for approval of a variance, staff does not find there are any special circumstances which apply to the land for which the variance is sought such that the strict application of the provisions of the code would deprive the applicant of the ability to use the property, and that the request can be considered to be self-created.

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## Findings of Fact

### **Variances:**

#### **Section 12-309(B)(1):**

**(a)** There are not special circumstances and conditions applying to the land and building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would not deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is self-created by any person having an interest in the property;

**(b)** The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish this purpose;

**(c)** Granting of the requested variances will not be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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## Staff Recommendation

**Recommendation:** Based upon the above and the findings of facts, the negative staff

recommends **denial** of the following variance request, petition number V 12-1-99.

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## **Planning and Zoning Board Recommendation**

On January 12, 2000, the Planning and Zoning Board recommended approval (motion carried 4-0, Mr. Stahl absent).

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### **Exhibits**

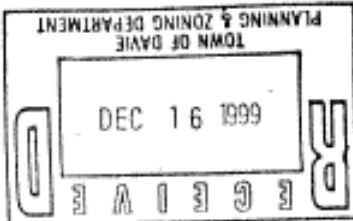
1. Land Use Map
2. Subject Site Map
3. Aerial

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

EXISTING ZONING: Commercial PUD  
CODE SECTION: Article V, Section 27-561  
PROPOSED ZONING: N/A  
CODE SECTION: N/A  
LAND USE DESIGNATION: Commercial  
FOLIO NUMBER 0028-01-002

TOWN OF DAVIE USE ONLY  
PETITION NO. V/12-1-99  
FEE. \$ 930.00  
RECEIPT NO. 10046



TOWN OF DAVIE  
VARIANCE APPLICATION

NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)  
Make Checks payable to TOWN OF DAVIE

DATE FILED: December 15, 1999

PHONE: (561) 994-6411

PETITIONER: CHARLES PUTMAN & ASSOCIATES

MAILING ADDRESS: 4722 NW BOCA RATON BOULEVARD, SUITE C-106, BOCA RATON, FL 33431

RELATIONSHIP TO PROPERTY: AGENT

OWNER: CULVERHOUSE INVESTMENT PROPERTIES, LTD.

MAILING ADDRESS: 8588 POTTER PARK DRIVE, SUITE 500, SARASOTA, FL 34328

ADDRESS OF PROPERTY: 4801-4991 148th AVENUE, DAVIE, FLORIDA 33330

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

SEE ENCLOSURES FOR LEGAL DESCRIPTION

ACREAGE: 2.153

REQUEST: PARKING VARIANCE

REASON FOR REQUEST: (attach additional sheet as necessary)

SEE ENCLOSURES

\* \* \* PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN \* \* \*

OFFICE USE ONLY

APPROVED AS TO FORM: [Signature] PUBLICATION DATE: 1/5/00  
MEETING DATE: PLANNING AND ZONING BOARD: 1/12/00 TOWN COUNCIL: \_\_\_\_\_  
NOTICES SENT: \_\_\_\_\_ REPLIES: \_\_\_\_\_ FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_  
UNDELIVERABLE: \_\_\_\_\_

CULVERHOUSE INVESTMENT PROPERTIES, LTD.  
By: HPC, General Partners, Inc., a Fla. corp.

OWNER'S NAME(S)

*Eugene F. Cassidy*

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

EUGENE F. CASSIDY, Vice President  
Palmer Ranch Development  
8588 Potter Park Drive, Suite 500

ADDRESS

Sarasota, Florida 34328

CITY, STATE, ZIP

(941) 922-0759

PHONE

The foregoing instrument was acknowledged before me  
this 13th day of December, 1999, by  
EUGENE F. CASSIDY who is personally  
known to me or who has produced \_\_\_\_\_

as identification and who did take an oath.

NOTARY PUBLIC:

Sign:

*Janette H. Crepeau*

Print:

JANETTE H. CREPEAU

My Commission Expires:



"OFFICIAL SEAL"  
Janette H. Crepeau  
My Commission Expires 9/30/2000  
Commission #CC 589605

CHARLES PUTMAN

PETITIONER'S NAME

*Charles Putman*

PETITIONER'S SIGNATURE

4722 N.W. Boca Raton Blvd., Suite C-106

ADDRESS

Boca Raton, Florida 33431

CITY, STATE, ZIP

(561) 994-6411

PHONE

The foregoing instrument was acknowledged before me  
this 15th day of December, 1999, by  
Charles Putman who is personally  
known to me or who has produced \_\_\_\_\_

as identification and who did take an oath.

NOTARY PUBLIC:

Sign:

*Victoria A. Hewett*

Print:

VICTORIA A. HEWETT

My Commission Expires:



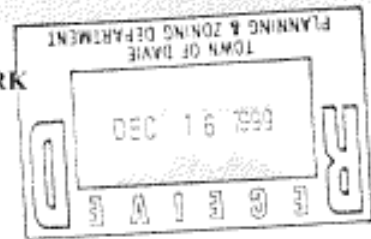
VICTORIA A. HEWETT  
MY COMMISSION # CC 712921  
EXPIRES: February 1, 2002  
Bonded Thru Notary Public Underwriters

2-1-02

OFFICE USE ONLY

**JUSTIFICATION STATEMENT  
HOLIDAY INN EXPRESS AT REGENCY PARK  
PROPOSED PARKING VARIANCE**

December 15<sup>th</sup>, 1999



**I. OVERVIEW:**

In October of this year the Town Council approved a master plan for a project on Griffin Road at I-75 known as Regency Park. This master plan combined the existing Regency Square Shopping Center with a new tract of land to form the mixed use project. For reference, the master plan that was approved for Regency Park is herein transmitted as an exhibit.

One of the future uses called out on the Regency Park master plan was a proposed new hotel. Pursuant to that original plan, the applicant is now proceeding to develop final plans for this hotel and has submitted a site plan package for approval. A copy of the site plan for the new facility is also enclosed.

The overall site plan meets or exceeds current Town code requirements in all areas except one; required parking. The current Davie code requires that a project such as proposed which contains 102 rooms should have 113 parking spaces. The applicant has provided 106 spaces on his plan and thus is 7 spaces below code requirements. He is herein requesting that the Town approve a variance that would allow his 102 room hotel to be constructed with 106 spaces rather than the required 113.

*The following is some general background on this issue:*

- As indicated above, the idea of integrating a hotel at this location in the Regency Park project has always been part of the master plan. Initially, it was proposed that this hotel would be a 120 room facility or close to that size.
- As detailed planning began, the project planners met several times with the Town staff and also began to finalize the development plans for the project. Due to density restrictions and other site constraints, the number of units was first reduced to 112 rooms and later to the 102 rooms that are currently shown. Nearly all of the changes made on the proposed intensity of use were made to eliminate the need to request any variances.
- However, if the intensity of the project were to be reduced to a level that meets the current Davie parking requirements only 92 rooms could be built. Not only is this 28 rooms less than what had been hoped for, it is below the number of units that the applicant feels are needed to make the project feasible.

**CHARLES PUTMAN & ASSOCIATES**

PLANNERS I LAND DEVELOPMENT CONSULTANTS  
Boca Raton, Florida I (407) 994-6411



**JUSTIFICATION STATEMENT  
HOLIDAY INN EXPRESS AT REGENCY PARK  
PROPOSED PARKING VARIANCE**

December 15<sup>th</sup>, 1999  
Page 2

**II. JUSTIFICATION:**

The applicant has made every effort to avoid needing a variance and in fact has reduced the scope of his project so as to limit the amount of any variance to the smallest feasible deviation. However, he is asking that the Town approve this small deviation and feels that it is justified for the following reasons:

- **SUFFICIENT PARKING** - The applicant is a major builder of Holiday Inn Express facilities. His experience with other similar facilities is that a parking ratio of one space for each hotel room or even somewhat less provides a sufficient amount of parking. Thus, he feels that 106 parking spaces for 102 rooms is sufficient parking for his facility.

Notwithstanding this industry experience, it would also appear that the Davie standard is somewhat out of line with typical standards in other communities. Some representative parking ratios are shown below.

MUNICIPALITY CODE	PARKING RATIO	SPACES REQUIRED
City of Davie	1 per each room + 1 per 10 for employees	113
Broward County	3 per 4 rooms	78
Coconut Creek	1 per room +1 per 2 employees/shift	104
Deerfield Beach	1 per each room	102
Ft. Lauderdale	1 per each room	102
Delray Beach	7 per 10 rooms	72
Dade County	1 per each room (1 <sup>st</sup> 40) 1 per every 2 rooms (over 40)	71
Margate	3 per every 4 rooms	78
Miramar	1 per room	102
Pembroke Pines	1 per room	102
Pompano	1 per room	102
Sunrise	3 per every 4 rooms	78

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**CHARLES PUTMAN & ASSOCIATES**  
PLANNERS | LAND DEVELOPMENT CONSULTANTS  
Boca Raton, Florida | (407) 994-6411

Given the above it is the applicant's opinion that the 106 spaces currently shown on his plan is sufficient to support the 102 room facility that he is planning to build.

- **DESIGN CONSIDERATIONS** - To the best of the applicant's knowledge, the issue of parking is the only area where the project does not meet or exceed the Town's standards. For instance the open space percentage provided on the plan far exceeds the basic Town requirements.
- **BUSINESS CONSIDERATIONS** - Although the Holiday Inn Express facility will cater to a full range of clientele, a large portion of its occupants are typically business travelers. This is a significant issue as far as parking is concerned in that many business guests arrive in the same vehicle but take multiple rooms. This fact tends to further reduce the total number of parking spaces needed for the facility.

### III. JUSTIFICATION CRITERIA AND RESPONSES:

- A. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self created by any person having an interest in the property.

*The subject site is unique from other commercial properties in Davie in that it is in a PUD zoning classification. This zoning was originally established while the property was in Broward County and came under the Town's jurisdiction through annexation in 1986. This is significant to the justification of this proposed variance for a number of reasons:*

- *The concept of PUD zoning is to allow for flexibility from conventional zoning standards where unique and desirable conditions exist. Thus, approval of this minor code deviation would be consistent not in conflict with the intent of the current zoning.*
- *If this project were still in Broward County, the required parking for the same 102 rooms in the project would be 77 spaces not 113. However, Davie has determined that their current land development regulation should apply and that the required number of spaces should be 113.*

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CHARLES PUTMAN & ASSOCIATES

PLANNERS I LAND DEVELOPMENT CONSULTANTS  
Boca Raton, Florida I (407) 994-6411

- *Since Davie itself no longer has a PUD district in its codes, the approval of this proposed variance will not set a precedent for other zoning decisions.*

- B. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

*The granting of the variance is necessary to allow the proposed plan to be constructed and is the minimum code modification that will allow the project to be built as currently designed.*

- C. That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

*The subject site is centrally located within the mixed use Regency Park project and is well buffered from any residential uses. The site abuts I- 75 and Griffin Road and will compliment the other office, restaurant and commercial uses in the project. As such it will be a positive addition to the area and the Town's tax base and will have no negative impacts on the surrounding neighborhood.*

#### V. CONCLUSION:

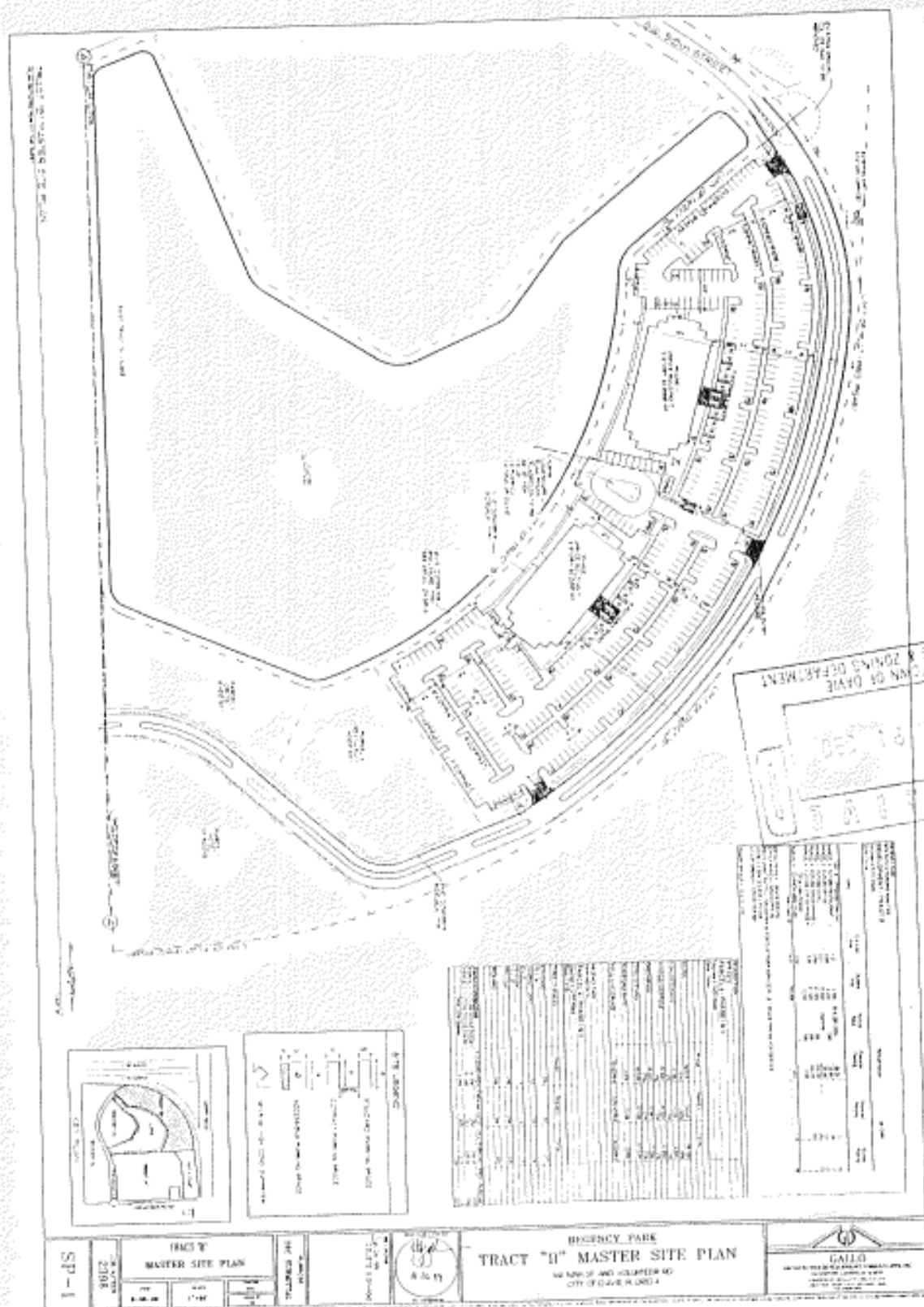
The applicant feels that the plan being presented is a workable compromise for his project, the Town of Davie and the neighboring property owners, and that the approval of the requested parking variance would be justified.

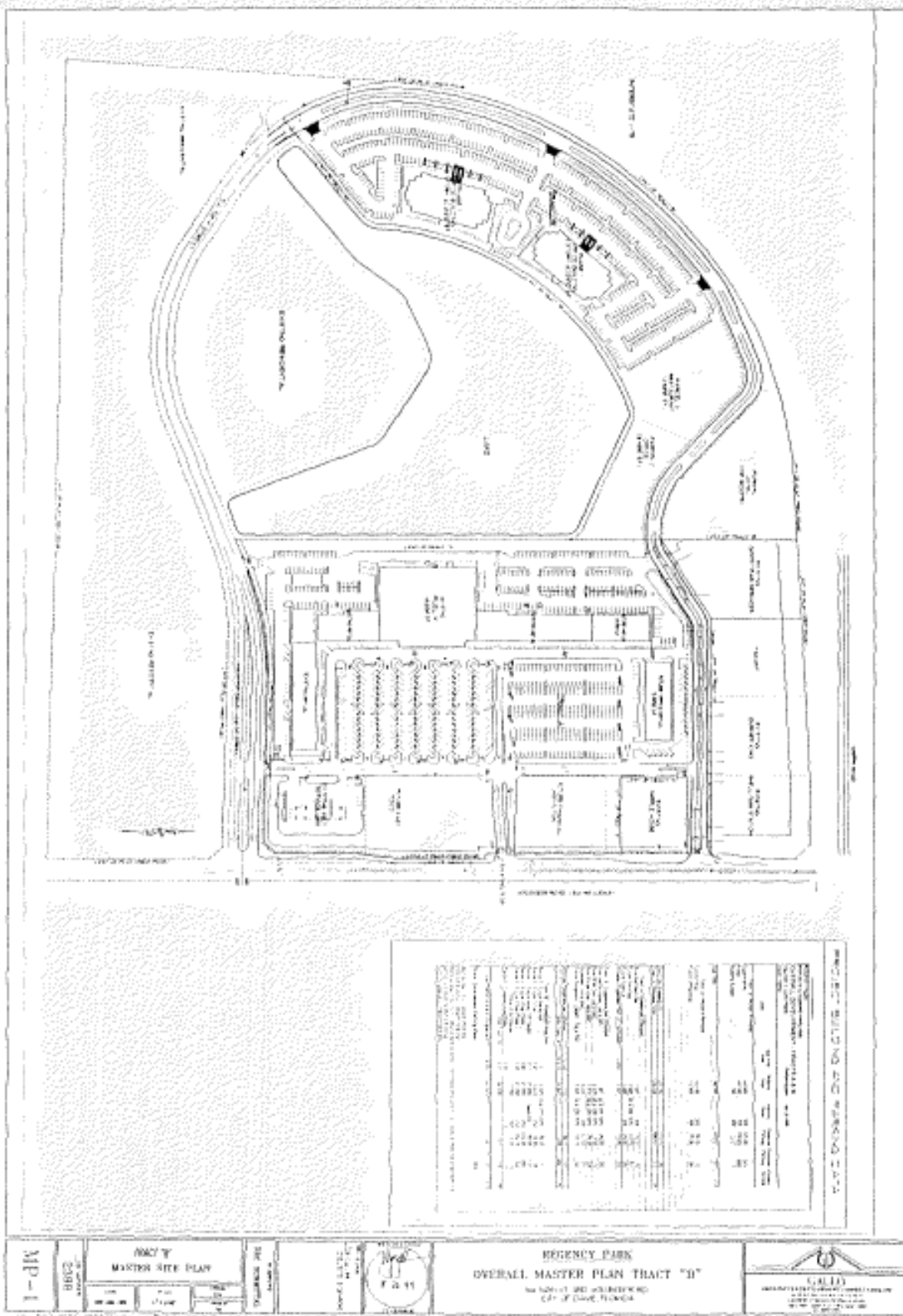
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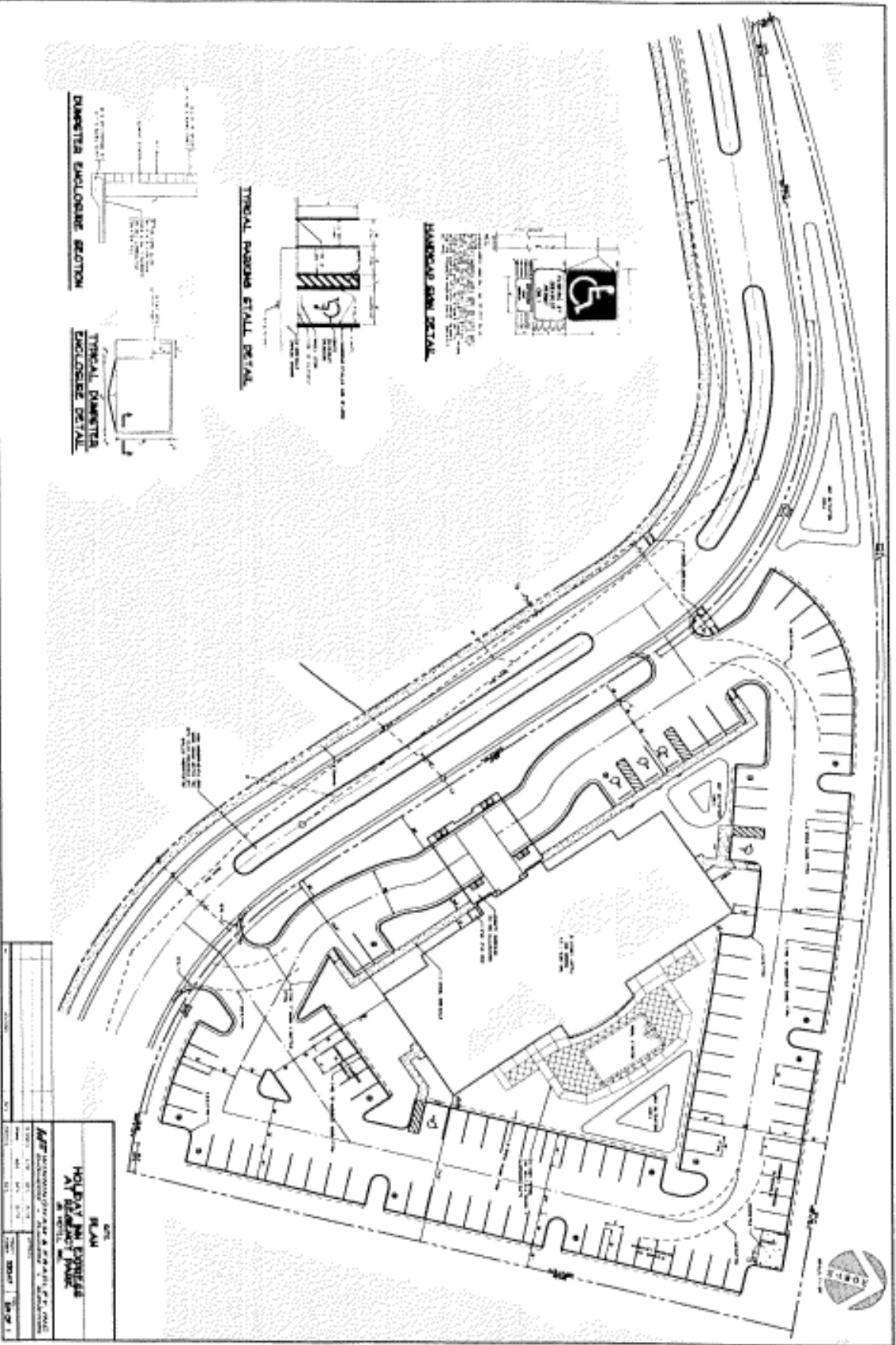
CHARLES PUTMAN & ASSOCIATES

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Boca Raton, Florida | (407) 994-6411







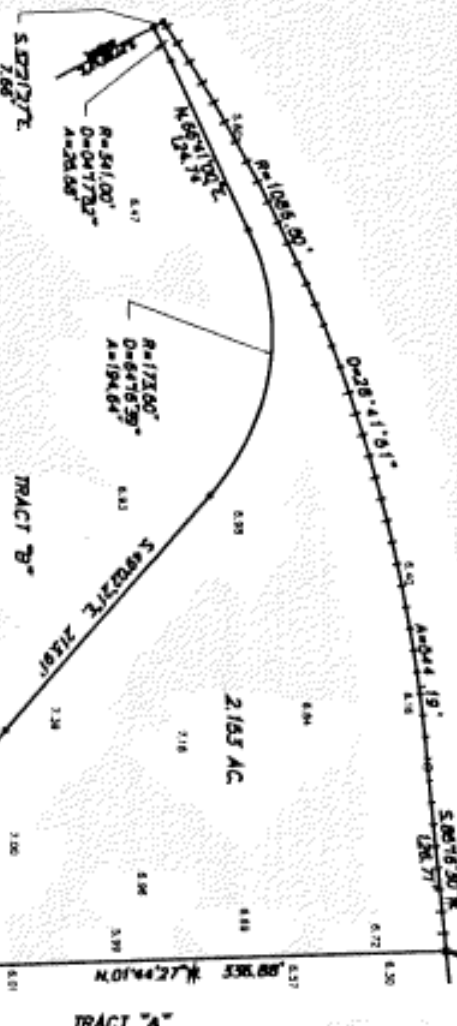




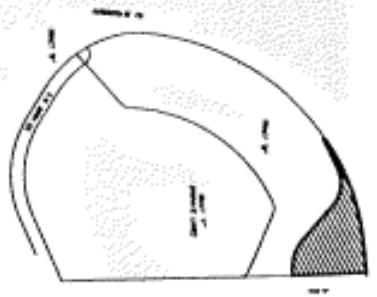
GRIFFIN ROAD

P.O.B. NE COR.  
TRACT "B"

TRACT "A"



LOCATION MAP  
NOT TO SCALE



- SURVEY NOTES**
1. Containing all the data and information required for the survey.
  2. The survey was conducted in accordance with the Florida Statutes, Chapter 349, and the rules and regulations of the Florida Board of Survey.
  3. The survey was conducted by a licensed surveyor, and the results are accurate within the limits of the survey.
  4. The survey was conducted on the 1st day of January, 2001.
  5. The survey was conducted by the following persons: [Names of surveyors]

--- 1/4 --- SPECIAL ACTION UNIT

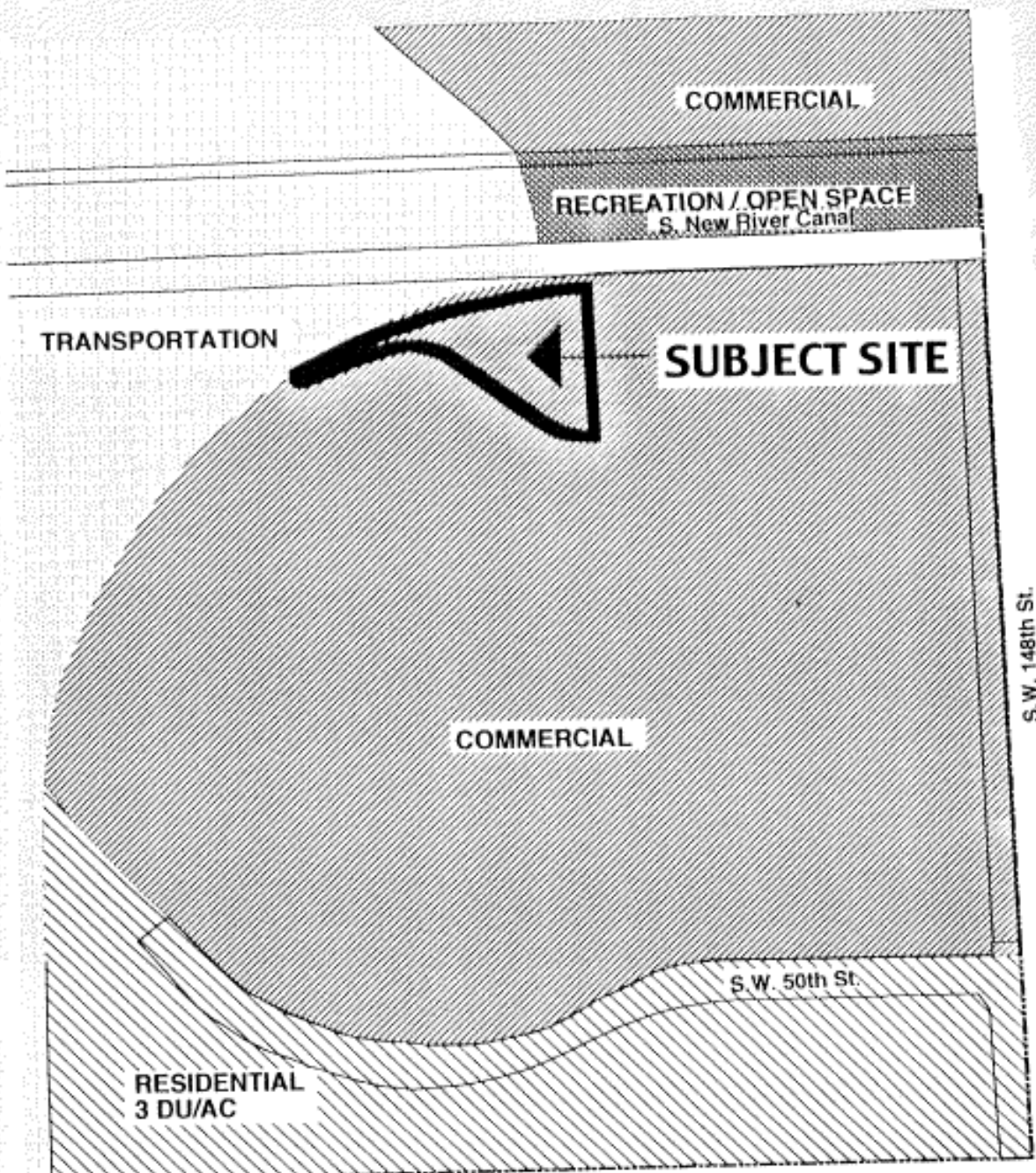
1. Name of Surveyor	2. Date of Survey	3. Name of Client
4. Name of Surveyor	5. Date of Survey	6. Name of Client
7. Name of Surveyor	8. Date of Survey	9. Name of Client
10. Name of Surveyor	11. Date of Survey	12. Name of Client

**RECORD SURVEY**  
**PORTION OF TRACT B**  
**REGENCY PLAT (21-48)**  
**BROWARD COUNTY, FLORIDA**

DATE: 1/1/01  
BY: [Signature]  
FOR: [Signature]

SCALE: 1"=50'

4 4 8 5 0



PETITION NUMBER  
V 12-1-99  
Source: Town of Davis Future Land Use Map  
PREPARED 11/21/99 Scale: 1"=300'  
BY THE PLANNING & ZONING DIVISION

N  
4



T

A-1

Laurel Dr

S. New River Canal

Groff Rd

SUBJECT SITE

Regency (121-48)

Lake

P.U.D.  
(COUNTY)

S.W. 74th Ave

S.W. 50th St

28 21

33

PETITION NUMBER

V 12-1-99

N  
4

PREPARED 12/21/99  
BY THE PLANNING &  
ZONING DIVISION

Scale: 1"=300'

Town Rd

